

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA**

**MICHAEL F. SCHULZE,**

**Plaintiff,**

**v.**

**FEDERAL BUREAU OF  
INVESTIGATION, et al.,**

**Defendants.**

**1: 05-CV-0180 AWI-GSA**

**ORDER GRANTING PLAINTIFF'S  
APPLICATION FOR A STAY**

(Document #70)

On July 13, 2007, Defendants filed a Motion for Summary Judgement or, in the Alternative, Summary Adjudication. Pursuant to Plaintiff's request, on August 29, 2007, the court stayed this action until Plaintiff was transferred or until November 13, 2007, whichever came first. On October 10, 2007, Plaintiff filed a document states that he had been transferred but that he needed additional time to file a response to Defendants' Motion because his legal documents had not arrived at his new facility. On October 22, 2007, the court granted Plaintiff until January 18, 2008, to file an opposition and granted Defendants until February 4, 2008 to file any reply brief. On January 14, 2008, Plaintiff filed a second application for an extension to time in which to file his opposition to Defendants' motion for summary judgment. On March 3, 2008, the court granted Plaintiff's request and granted Plaintiff until March 21, 2008 to file an opposition.

1 On March 10, 2008, Plaintiff filed a motion to stay this action. Plaintiff states that he is  
2 subject to an order from the District of Hawaii to appear at a hearing in that court on April 4,  
3 2008. Plaintiff states that because of the delays he anticipates in being transferred between  
4 South Carolina and Hawaii and his inability to access his legal materials during that time, he  
5 needs a stay of at least six months, if not a year.

6 The court has grave concerns about staying this action a second time. The motion at  
7 issue was filed in August 2007, and Plaintiff has already had over six months in which to respond  
8 to the motion. Pursuant to the Civil Justice Reform Act, this court is not supposed to have any  
9 motion pending for more than six months. However, Plaintiff is under an order to appear in the  
10 District Court of Hawaii on April 4, 2008, and the court presumes Plaintiff will not be able to  
11 travel with the documents he needs to file an opposition. Based on the information before the  
12 court, the court finds that a stay of sixty days is warranted. At the end of sixty days, Plaintiff  
13 must file a motion, containing specific details, that either shows good cause to continue the stay  
14 or sets forth a reasonable time within which Plaintiff can file an opposition.

15 Accordingly, the court ORDERS that:

- 16 1. Plaintiff's motion for a stay is GRANTED;
- 17 2. This action SHALL BE STAYED until May 26, 2008; and
- 18 3. By May 26, 2008, Plaintiff SHALL file a detailed motion that either shows  
19 good cause to continue the stay or sets forth a reasonable time within  
20 which Plaintiff will file an opposition.

21  
22 IT IS SO ORDERED.

23 **Dated: March 24, 2008**

24 **/s/ Anthony W. Ishii**  
25 UNITED STATES DISTRICT JUDGE  
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